

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

FILED

DEC - 9 1999

LARRY W. PROPPS, CLERK
U. S. DISTRICT COURT

Educational Commission for Foreign)
Medical Graduates,) C/A No. 6:99-1676-24AK
)
Plaintiff,)
)
vs.) **ORDER**
)
Teknology-Laine, L.L.C., Michael Laine,)
and Badralsadat Madani,)
)
Defendants.)

SCANNED

Plaintiff Educational Commission for Foreign Medical Graduates alleges that Defendants Teknology-Laine, L.L.C., Michael Laine, and Badralsadat Madani engaged in infringement of a registered mark, unfair competition, false designation of origin, and trademark dilution in violation of 15 U.S.C. § 1114(1), § 32(1) and § 1125(a), § 43(a) of the Trademark Act of 1946; 15 U.S.C. § 1125(c) of the Federal Trademark Dilution Act of 1995; S.C. Code Ann. §§ 30-5-10 et seq.; and the common law of unfair competition. This matter is before the court on Defendant Madani's motions (1) to dismiss and (2) to reconsider the court's previous order filed September 29, 1999 granting a preliminary injunction.

Because Defendant Madani is proceeding *pro se*, this matter was referred in accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C. to United States Magistrate Judge William M. Catoe, Jr. for pretrial handling. On November 12, 1999, the Magistrate Judge filed an Order and Report in which, among other things, he recommended that Defendant Madani's motions be denied. The Magistrate Judge also recommended that Plaintiff be required to post a bond in the amount of

\$500.00 until such time as the preliminary injunction is dissolved.

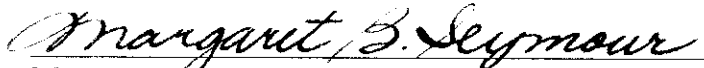
The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a *de novo* determination of any portions of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Neither party filed objections to the Report. In the absence of objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and the record in this case, the court adopts Magistrate Judge Catoc's Report and incorporates it herein. It is therefore

ORDERED that Defendant Madani's motion to dismiss be **denied**, that her motion to reconsider be **denied**, and that Plaintiff post a bond in the amount of \$500.00 until such time as the preliminary injunction is dissolved.

IT IS SO ORDERED.


Margaret B. Seymour
United States District Judge

December 9th, 1999

Spartanburg, South Carolina

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